

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT SHELTON, individually,
and on behalf of all others similarly situated,

Plaintiff,

v.

COMCAST CORPORATION and COMCAST
CABLE COMMUNICATIONS, LLC,

Defendants.

Civil Action No. 2:20-cv-01763

Hon. Nitza I. Quiñones Alejandro

DECLARATION OF RACHEL WEINSTEIN

I, Rachel Weinstein, declare:

1. I am a Director for Etail and Affiliates at Comcast Cable Communications, LLC (“Comcast”), which is an indirect subsidiary of Comcast Corporation. I have been in this role since March 2017. I submit this declaration in support of Defendants’ Motion to Compel Individual Arbitration and Stay Litigation. If called as a witness, I would and could competently testify to all of the following, which is within my personal knowledge and based upon information and records gathered by myself or others within the course and scope of my duties.

2. Comcast uses online marketing vendors and their affiliates to market its services over the Internet (“e-tail Vendors”). As part of my job duties and responsibilities, I am familiar with the business practices of Comcast and its e-tail Vendors regarding the residential subscriber sign-up process for Comcast services.

3. E-tail Vendors maintain websites to market Comcast services and are typically authorized to answer inbound calls from current or potential subscribers who are interacting with the e-tail Vendor’s website. These e-tail Vendors are not authorized to make outbound telemarketing calls on behalf of Comcast. Rather, e-tail Vendors are authorized to interact with

current or potential subscribers by phone only when such current or potential subscribers call the e-tail Vendor at the number provided in the e-tail Vendors Internet-based advertising.

4. On June 22, 2018, records show a Comcast e-tail Vendor received an inbound telephone call from telephone number [REDACTED] 3942 (the “June 22 Call”). The e-tail Vendor that received this telephone call is prohibited from placing outbound calls on behalf of Comcast, except in two limited scenarios: (1) if an inbound call to the vendor is dropped unexpectedly, the agent may call the customer back and will tag the call as a “callback”; and (2) if the vendor’s buy flow system has an error during sign-up, the customer may call in or can request a call back.

5. The June 22 Call was disconnected by the caller, who later identified himself as James Shelton. Records show that in accordance with the above-outlined procedure, the e-tail Vendor called Mr. Shelton back on the number ending in 3942 and tagged the call as a “callback” (the “June 22 Callback”).

6. Records indicate that on the June 22 Callback, Plaintiff James Shelton (“Plaintiff”) placed an order for Comcast service at his residence located on Covered Bridge Road, King of Prussia, PA 19406. The account was assigned an account number ending in 0142.

7. After the June 22 Callback concluded, the e-tail Vendor submitted the order to Comcast. Because Comcast already provided service to the account address Plaintiff provided, Comcast’s system would have flagged Plaintiff’s order as an “active address” order. When this occurs, typically because a new subscriber is moving into the home of an existing subscriber, Comcast will contact the existing subscriber to confirm the disconnect date and will also contact the new subscriber to confirm the new service address and service dates.

8. Plaintiff’s order was labeled an “active address” because Comcast already provided service to Plaintiff at his home address through another account. Specifically, Comcast records

kept in the ordinary course of business reflect that, on or about September 24, 2006, a Comcast account was opened under the name [REDACTED] for cable and Internet services at the same address on Covered Bridge Road in King of Prussia, PA 19406 (the "Shelton Home Account") that Plaintiff provided on the June 22 Callback. The Shelton Home Account remains an active account as of the date of this declaration.

9. Records indicate that Comcast contacted the phone number ending in 3942 on June 25, 2018. This contact was most likely made to confirm address and service information for either the 0142 Account or the Shelton Home Account.

10. Records indicate that on that same date, June 25, 2018, the service address for the account ending in 0142 was changed from the Shelton Home Account address to a new address on Catfish Lane in Norristown, PA 19403. A true and correct (although redacted) copy of the work order created for this account is attached hereto as **Exhibit A**.

11. Records indicate that on June 25, 2018, Comcast sent Plaintiff an email confirming his Comcast service for the account on Catfish Lane. A true and correct (although redacted) copy of the confirmation email is attached hereto as **Exhibit B**. Plaintiff canceled service for the account on Catfish Lane later that day.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed this 17th day of August 2020, in Lower Merion, Pennsylvania.

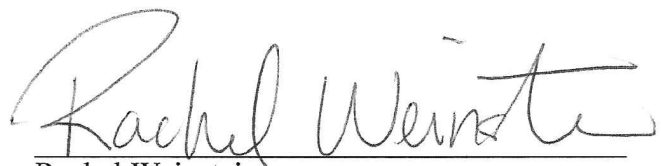

Rachel Weinstein

EXHIBIT A

PENDING INSTALL**INSTALL****CONSENT-OVERRIDE**

Created: Jun 25, 2018

Completed: Jun 25, 2018

Sales Rep ID: 31851

Tech: N/A

APPOINTMENT INFORMATION

Address 16 Catfish Ln, Norristown, Pa, 19403

ORDER DETAIL

Consent Status Override

Completion Date Jun 25, 2018

Approver Name N/A Dispute Resolution

User Name N/A

Captured Method N/A

Phone N/A

Email

E-Signature N/A

Contract ID N/A

Sales Channel EPC_CHANNEL

Affiliate ACSR

Account Holder JAMES SHELTON

Signer N/A

Override Reason System Error

ADDITIONAL INFORMATION

Bill Start Date Jun 28 2018

Bill End Date N/A

SERVICES ADDED

LOB	Description	Discount Code	
HSD	Hd Econ Dp (HS344)	--	\$31.50
HSD	Renthsonlyeq (HF071)	--	\$11.00
VIDEO	Hd Econ Dp (VD017)	--	\$7.90

Show 14 More

SERVICES REMOVED

No Services Removed

HSD RC - 302642

Tech Number: 0000

Job Class: Connect

Job Status: CANCELLED

Scheduled Date: Jun 28, 2018

Completion Date: Jun 25, 2018

EXHIBIT B

▼ Email Correspondence

Thanks for choosing XFINITY! Let's get started.

Jun 25, 2018 01:00 PM EDT

Thanks for choosing XFINITY! Let's get started.

Sent to: [REDACTED]

[View Email](#)

[Resend Email](#)

Ready to learn about your new services? [Get started](#)

[My Account](#)



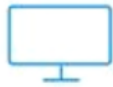
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and pricing >**



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